



State of Arizona
Board of Respiratory Care Examiners
1400 W. Washington, Suite 200
Phoenix, Arizona 85007
(602) 542-5995 FAX (602) 542-5900
www.rb.az.gov

**BOARD OF RESPIRATORY CARE EXAMINERS
BOARD MEETING MINUTES**

Thursday, October 18, 2008, at 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix AZ

Board Members Present: Chair Toni Rodriguez, Vice Chair Becky Brimhall, Catherine Lindstrom, John O'Donnell, and David Sanderson

Board Members Absent: Bill Cohagen, and James Love

Staff Present: Mary Hauf Martin, Executive Director
David Geriminsky, Program and Project Specialist
Valarie Davis, Administrative Assistant

Board's Legal Counsel: Keely Verstegen, Assistant Attorney General

I CALL TO ORDER

The Meeting was called to order at 9:00 a.m. by Board Chair Toni Rodriguez, Ed.D.

DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

The Executive Director reported that a new Assistant Attorney General, Keely Verstegen, has been assigned to the Board to provide legal counsel.

II APPROVAL OF MINUTES

Meeting held on September 18, 2008

David Sanderson moved approval of the Minutes as presented. **Becky Brimhall** seconded. **The Motion passed.**

III DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE

A. Recommended for approval by the Executive Director

Travis Arispe	Bogdan Badiu	James-Paul Beltran
April Carey	Megan Cloke	Trevor Deen
Shannon Delaney	Emily Dougan	Jessika Fallows
Kari Kelly	Christine McMillan	Mallory McPeak
Maria Miranda	Georgina Plante	Zaida Reynaga
Michelle Rose	Debora Salazar-Joyner	Deanna Sanders
Pamela Schein	Stacey Schmidt	Samantha Scholz
William Stever	Gerardo Urrea-Gutierrez	Antonio Vicens
Maggie Vickers	Stacey Welch	Rose Wycoco

John O'Donnell moved approval of all the aforementioned individuals recommended by the Executive Director. **David Sanderson** seconded the Motion. **The Motion passed.**

B. Application for Licensure

1. Ricky Moore Case Number: C002352-09-008477

Mr. Moore was present. The Executive Director summarized Mr. Moore's situation, stating that he had provided the necessary documents establishing that he is eligible for permanent licensure. After discussion, **David Sanderson** moved that Mr. Moore be granted a license contingent on Mr. Moore signing a stipulated order of probation requiring monthly employer reports for 6 months, employer notification, and all the other standard terms of probation. **Catherine Lindstrom** seconded. **The Motion passed.**

C. Re-Application for Licensure/Interview

Recommended for approval by the Executive Director

Shannon Mangum	Yvette Pitt
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After discussion, **John O'Donnell** moved to Grant the Re-Applications for licensure of the aforementioned individuals. **David Sanderson** Seconded. **The motion passed.**

D. Ratification of Temporary Licenses Issued pursuant to A.R.S. § 32-3521

Melissa Arthur	Chelesa Berry	Girlye Blanco
Kelly Bowery	Shad Brophy	Danielle Collins
Emily Craig	Sheena Cummings	Johna Davis
Timothy Harmon	Jon Heake	Sarah Hendrix
Molly Hogan	Ryan Ledbetter	Clara Leon
Britni Little	Sandhir Maharai	Melissa Miller
George Morgan	Alexandra Norton	Michelle Park
Nandanie Ramkissoon	Christopher Rick	Monica Rick

Dana Scherff
Marcus Stephens
Cam Tran

Daniel Slamka
Craig Strickler
Shannen Walsh

Debra Smelcer
Jeannette Sweet
Alyssa Zuniga

After discussion, **John O'Donnell** moved to ratify the Temporary licenses of the aforementioned individuals. **Becky Brimhall** Seconded. **The Motion Passed.**

E. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521

Mariella Martinez

After discussion, **David Sanderson** moved to ratify the Temporary license Extension of Mariella Martinez. **John O'Donnell** Seconded. **The Motion Passed.**

IV DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files.

Laura Caldwell
Lucas Sieber

Vikki Callado
Justin Stone

Lawrence Rizio
Samantha Stone

John O'Donnell moved that the Board administratively close the application files of the aforementioned individuals. **David Sanderson** seconded. **The Motion passed.**

V DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF TWO YEAR INACTIVE FILES

The Executive Director stated that these were routine two year inactive license files.

Recommended for closing of inactive files.

Antonio Alfaro
Larry Denno
Tammy Hamrick
Becky Keleb
Thomas Monaham
Marty Pettibon-Walker
Paula Turner

Debbie Bravo
Karen Doute
Randal Haynes
Kathryn Kenner
Warren Mooreland
Brenda Pratt
Karen Vaughn

Rhonda Dean
Timothy Gibson
Flora Johnston
Rebecca Ingram
Mark Nelson
Robert Rivera

Becky Brimhall moved that the Board administratively close the two year inactive files of the aforementioned individuals. **John O'Donnell** seconded. **The Motion passed.**

VI DISCUSSION/ACTION ON NOTICES OF LICENSE EXPIRATIONS

The Executive Director stated that these were routine license expirations.

Notice of License Expirations to the following individuals:

Tammy Alexander	Robert Colon (See Note)	Marguerite Conoway
Everett Converse	John Foresee	Sylvia French
Michael Hartnett	Catherine Jodat	Jennifer Mennenga
Leslie Metivier	Ann Millen	Jami O'Brien
Daniel Pierson	Richard Pomisel	Patricia Rivera
Lea Schneider	Duc Truong	Richard Waihee

Note: Expired while on probation.

David Sanderson moved to approve these license expirations. **Becky Brimhall** seconded. **The Motion passed.**

VII DISCUSSION/ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Ratify licenses issued by the Executive Director to individuals who met requirements for renewal.

The Executive Director reported that these were routine license reinstatements.

Brenda Perlman

John O'Donnell moved to ratify these reinstated licenses. **David Sanderson** seconded. **The Motion passed.**

VIII CONSIDERATION AND ACTION ON INVESTIGATIONS OF UNPROFESSIONAL CONDUCT

1. Dominique Bollie	Case Number: C002280-09-007256
2. Ricky Moore	Case Number: C002306-09-0000
3. Judy Roa	Case Number: C002315-09-007433
4. Wade Heatherly	Case Number: C002351-09-0000
5. James Cox	Case Number: C002196-06-007592
6. Leslie Brooks	Case Number: C002353-09-002740

1. Ms. Bollie was present. The Executive Director summarized the allegation of unprofessional conduct against Ms. Bollie. After discussion, **Chair Toni Rodriguez** moved to offer Ms. Bollie a stipulated term of Disciplinary Probation requiring Ms. Bollie to take and complete an ethics class within 3 months, to have her employer report on her job performance monthly, and all the other standard terms of probation. This probation would last for 3 years. **Catherine Lindstrom** Seconded. **The**

Motion Passed. Ms. Bollie verbally agreed to enter into a Stipulated Order. If she does not sign and return the Order, she will be invited to an Informal Interview at the next available opportunity.

2. This matter was taken with Agenda Item III.(B)(1)
3. Ms. Roa was not present. The Executive Director summarized the allegation of unprofessional conduct against Ms. Roa. After discussion, **Chair Toni Rodriguez** moved to take this matter to the level of an Informal Interview. **David Sanderson** Seconded. **The Motion Passed.**
4. Mr. Heatherly was not present. The Executive Director summarized the allegation of unprofessional conduct against Mr. Heatherly.

EXECUTIVE SESSION: **Catherine Lindstrom** moved to go to Executive Session on this matter in order to obtain legal counsel. **Becky Brimhall** seconded. **The Motion Passed.**

After discussion, **Becky Brimhall** moved to take this matter to the level of a Formal Hearing, and issue a Complaint and Notice of Hearing. **Catherine Lindstrom** Seconded. **The Motion Passed.**

5. Mr. Cox was not present. The Executive Director summarized the allegation of unprofessional conduct against Mr. Cox. After discussion, **David Sanderson** moved to take this matter to the level of an Informal Interview. **John O'Donnell** Seconded. **The Motion Passed.**
6. Ms. Brooks was not present. The Executive Director summarized the allegation of unprofessional conduct against Ms. Brooks. After discussion, **John O'Donnell** moved to take this matter to the level of a Formal Hearing, and issue a Complaint and Notice of Hearing. **David Sanderson** Seconded. **The Motion Passed.**

IX CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. 32-3553(G)

1. Ty Williams, Case No. 04426-07-2305

Mr. Williams was present and represented by legal counsel, Mr. Alan Tipton. The Executive Director reviewed the allegation of unprofessional conduct against Mr. Williams.

At the public meeting of the Board held on November 15, 2007, Mr. Williams disclosed health-related concerns, including a dependence on narcotics. Pursuant to A.R.S. § 62-3506(C)(5) the Executive Director may "Initiate an investigation if there is reason to believe that a licensee is incompetent, mentally or physically unable to safely practice respiratory care or

engaged in unprofessional conduct.” After further investigation in this matter, Board staff requested and received documentation from health care facilities on Mr. Williams. The information received indicated that Mr. Williams might additionally be in violation of A.R.S. § 32-3501(10)(j): “Any conduct, practice or condition which does or might impair the person’s ability to safely and skillfully practice respiratory therapy.”

Subsequent to his disclosure, Mr. Williams and the Board entered into an informal agreement that he would not practice respiratory care until he could demonstrate ongoing efforts to achieve and maintain improved health, so that he could resume safe and skillful practice Respiratory Therapy.

In light of the above, and pursuant to A.R.S. § 32-3553(G), the Board held a public meeting on October 16, 2008, to conduct an informal interview. Mr. Williams, and his attorney, were present. Prior to the meeting, Mr. Williams had assisted in the provision of up-to-date medical records, and verbally updated the Board on his treatment plan and his compliance with the recommendations of his treatment plans. He stated that he would provide a letter from his counselor, who is qualified to make a recommendation, which states he is able to return to practice.

After consideration and discussion, **Chair Toni Rodriguez** made a Motion to: End the informal agreement that temporarily suspended Mr. Williams’ ability to practice as soon as the Board receives the letter from his counselor that he offered to provide; and, at that time, issue a non-disciplinary, Rehabilitative Order of Probation. **Becky Brimhall** seconded. **The Motion passed.**

X CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. §32-3553(G)

- | | |
|--------------------|------------------------------|
| 1. Dorsie Robinson | Case Number: C002289-09-0511 |
| 2. Lori Schneider | Case Number: 06006-08-2321 |

1. Dorsie Robinson Case Number: C002289-09-0511

Mr. Robinson was not present nor represented by counsel. The Executive Director reviewed the allegation of unprofessional conduct against Mr. Robinson.

On July 30, 2008, an on-line Search of public court records by Board Staff resulted in the receipt of the following document:

- Superior Court, Maricopa County, Arizona Sentencing Report – Imprisonment and Probation
Filed with the Court on the following date: 10/05/2006

Case Number CR2005-008419-001 DT Date of Sentencing: 09/29/2006

Regarding both Counts against him: “Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.”

OFFENSE: Count 1 Manslaughter
Class 2 Felony

OFFENSE: Count 2 Aggravated Assault
Class 3 Felony

For Count 1, Mr. Robinson was sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections for 7 year(s) from 09/29/2006. He was also ordered to pay \$8000 in restitution to a victim.

For Count 2, Mr. Robinson was sentenced to a 5 year term of probation that will commence when he receives an absolute discharge from prison related to Count 1. Terms of Probation, including a \$50 per month Probation Service Fee, and other fees and surcharges were established.

A review of the court documents, conducted on July 30, 2008 by Board Staff, resulted in the receipt of the following documents:

1. INDICTMENT in Case Number CR2005-008419-001 DT.

Filed on March 25, 2005.

This document shows that there were originally 8 Felony Counts against Mr. Robinson for an incident that occurred on February 7, 2004, when he recklessly caused the death of one person and the endangerment of the lives of six persons. The document refers to the offense as having "involved the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, to wit: A motor vehicle, in violation of A.R.S. § 13-604(P)."

2. NOT GUILTY ARRAIGNMENT in Case Number CR2005-008419-001 DT.

Filed on April 8, 2005.

This document pertains to Mr. Robinson's initial appearance in court. At that time, he pled Not Guilty to all 8 Counts.

License renewal applications are Affidavits, signed as affirmations that all the statements contained in them are true, and that information has not been suppressed. A review of Respondent's license file shows the following documents:

1. LICENSE RENEWAL APPLICATION filed on October 26, 2004. This document indicates that Mr. Robinson answered "No" to Question Number One, which asks: "Have you since your initial application or last renewal been arrested, pled guilty to or no contest to or been convicted of a felony, misdemeanor or undesignated offense?"

This is a fraudulent, incorrect answer; since the date of Respondent's offense was February 7, 2004.

2. LICENSE RENEWAL APPLICATION filed on July 27, 2006. This document

indicates that Mr. Robinson answered “No” to Question Number One, which asks: “Have you since your initial application or last renewal been arrested, pled guilty to or no contest to or been convicted of a felony, misdemeanor or undesignated offense?”

This is a fraudulent, incorrect answer; since Respondent’s court case was still pending at that time, with an eventual Sentencing date of: September 29, 2006.

On October 16, 2008, the Board held its monthly meeting to consider suspending or revoking Respondent's license to practice respiratory care. The Board’s Complaint directed Respondent to respond to the allegation in writing. Mr. Robinson did not respond. At the conclusion of the presentation of the case, the Board found that a preponderance of evidence was presented to support the information in the allegation. Board members found: The commission of a violent crime; and the acquisition of a license, twice, by fraud; are extremely serious violations of the laws and rules.

After further discussion, Board Vice Chair **Becky Brimhall** moved to adopt Findings of Fact and Conclusions of Law as set forth in the Board’s Complaint. Board Member **David Sanderson** seconded. **The Motion passed.**

Board Member **Cathy Lindstrom** then moved to revoke Respondent’s license to practice respiratory care in Arizona. **David Sanderson** seconded. **The motion passed.**

2. Lori Schneider

Case Number: 06006-08-2321

Ms. Schneider was present. The Executive Director reviewed the allegation of unprofessional conduct against Ms. Schneider.

Complaint History

The Board held a public meeting on July 21, 2008, via telephone conference call, to determine whether there was good cause to believe that Respondent was in violation of her Probationary Order. The Board’s Executive Director duly caused the meeting to be noticed in accordance with the Arizona Open Meeting Law. In addition, a Board staff member contacted Respondent via telephone, and informed her of the allegation and the upcoming Board meeting. Respondent did appear before the Board personally or by legal counsel. Evidence was presented to the Board that Lori Harris Schneider is required to submit to random drug screens in her Probationary Order, and failed to comply with requests on three occasions. This violation of her Probationary Order places patients at risk. Furthermore, the evidence establishes that Respondent’s behavior establishes an immediate threat to the public health and safety. Therefore, the Board voted to issue an interim order of summary suspension of Lori Harris Schneider’s license to practice respiratory care in Arizona. The Board also voted to issue a Formal Complaint and Notice of Hearing.

Licensee was present; she testified that, in addition to the negative drug screen results that were received by the Board in September 2008, she reported for a drug screen as requested in early October 2008. Licensee provided an original Chain of Custody document, to establish

that she reported for a drug screen. While the Board did not have a copy of the results, Licensee assured the Board that the results were negative. She stated that her issue with previous screens was a monetary one (lack of money to pay for drug screens) and not an indicator that she had relapsed. She also testified that her failure to comply with the provisions of her probationary order that had to do with following up on treatment recommendations by her counselor were due to lack of knowledge of the recommendations.

Board Members expressed a reluctance to believe that Licensee can be effectively regulated.

Licensee testified that she is willing to prove to the Board, over time, that she can comply with the terms of a probationary order. In turn, compliance will demonstrate that she is clean and sober and able to safely and skillfully practice respiratory care.

After discussion, Board Vice Chair **Becky Brimhall** voted to adopt Findings of Fact and Conclusions of Law as set forth in the Board's Complaint and Notice of Hearing. Board Member **David Sanderson** seconded. **The motion passed.**

After further discussion, Board Member **Cathy Lindstrom** moved to issue an order that revokes the license held by Lori Schneider, stays the revocation, and places her license on probation. The stay of revocation will be lifted if Licensee fails to comply with any provision of a new probationary order. **David Sanderson** seconded. **The motion passed.**

XI CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION

Informal Interview Regarding Probation Compliance

- | | |
|---------------------|------------------------------|
| 1. Michael Ryan | Case Number: 01062-07-2306 |
| 2. Joshua Delgado | Case Number: 06692-06-2174 |
| 3. James Bradshaw | Case Number: C002133-08-8125 |
| 4. Rose Fagone | Case Number: 02090-08-6375 |
| 5. Ricardo Espinoza | Case Number 02191-06-7440 |

1. Michael Ryan Case Number: 01062-07-2306

Mr. Ryan was present. The Executive Director reported an incidence of possible non-compliance with Mr. Ryan's Order. After discussion, **Becky Brimhall** moved to take this matter to the level of a Formal Hearing. **John O'Donnell** Seconded. **The motion passed.**

2. Joshua Delgado Case Number: 06692-06-2174

Mr. Delgado was present. After discussion, **John O'Donnell** moved to lift Mr. Delgado's probation. **David Sanderson** seconded. The Motion Passed.

3. James Bradshaw

Case Number: C002133-08-8125

Mr. Bradshaw did not appear before the Board personally or by legal counsel. Evidence was presented to the Board that James Bradshaw was in violation of five terms of his Order. An Order designed to give the Board necessary oversight over its licensee. The provisions he failed to comply with include the ones requiring him to maintain sobriety by attending 12-Step meetings, and to establish proof of sobriety by submitting to random drug screens. Every violation of probation is grounds for disciplinary action. Board Members believed that Respondent's Violation of Term Number 5 of his probationary order, combined with his history of substance abuse, places patients who would be entrusted to his care in danger. The evidence established that not only has James Bradshaw violated the terms of his probation, his behavior establishes an immediate threat to the public health and safety.

Catherine Lindstrom moved to issue an interim order of summary suspension of James Bradshaw's license to practice respiratory care in Arizona and to take this matter to the level of a Formal Hearing. **John O'Donnell** Seconded. **The Motion Passed.**

4. Rose Fagone

Case Number: 02090-08-6375

Ms. Fagone was present. The Board took no action.

5. Ricardo Espinoza

Case Number 02191-06-7440

Mr. Espinoza was present. After discussion, **Becky Brimhall** moved to end the suspension of Mr. Espinoza's license and place Mr. Espinoza's license under a rehabilitative order of Probation to include 3 12-step meeting a week, random drug screens, employer notification, and all the other standard terms of probation. **Catherine Lindstrom** Seconded. **The Motion Passed.**

XII CALL TO THE PUBLIC

There was no public presentation to the Board.

XIII ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Thursday, November 20, 2008 at 9:00 a.m.

XIV ADJOURNMENT

Chair Toni Rodriguez adjourned the meeting at 2:30 p.m., without objection

DATED this ___th day of November, 2008.

Mary Hauf Martin, Executive Director